

**RULES
OF
THE TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS
DIVISION OF HEALTH RELATED BOARDS**

**CHAPTER 0260-5
GENERAL RULES GOVERNING CHIROPRACTIC THERAPY ASSISTANTS**

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0260-5-.01 DEFINITIONS. As used in these rules, the following terms and acronyms shall have the following meanings ascribed to them:

- (1) Advertising - Includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory or other printed matter. Advertising also includes business solicitations communicated by individual, radio, video, or television broadcasting or any other means designed to secure public attention.
- (2) Applicant - Any individual seeking certification by the board who has submitted an official application and paid the application fee.
- (3) Board - The Tennessee Board of Chiropractic Examiners.
- (4) Board Administrative Office - The office of the Unit Director assigned to the board located at First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010.
- (5) Board Designee - Any person who has received a written delegation of authority from the board to perform board functions subject to review and ratification by the full board where provided by these rules.
- (6) Certificate - Document issued to any applicant who successfully completes the certification process. The certificate takes the form of an "artistically designed" certificate as well as other versions bearing an expiration date.
- (7) Closed Files - An administrative action which renders an incomplete or denied file inactive
- (8) Department - Tennessee Department of Health.
- (9) Division-The Division of Health Related Boards, Tennessee Department of Health, from which the board receives administrative support.
- (10) Fee - Money, gifts, services or anything of value offered or received as compensation in return for rendering services, also, the fees required by these rules.
- (11) Good Moral Character - The quality of being well regarded in personal behavior and professional ethics.

(Rule 0260-5-.01, continued)

- (12) HRB - When the acronym HRB appears in the text of these rules, the HRB represents The Division of Health Related Boards.
- (13) Intern - Candidate for licensure who has completed core education and examination and is prepared for internship.
- (14) Internship - Performing chiropractic therapy assistant duties under direction of a supervisor for the purpose of receiving practical training in providing physical agent modalities and rehabilitation.
- (15) Person - Any individual, firm, corporation, partnership, organization, or body politic.
- (16) Physician - A chiropractic, medical or osteopathic physician licensed in the state of Tennessee.
- (17) Registrant - Any person who has been lawfully issued a certificate.
- (18) Supervision - The ongoing, direct review, for the purpose of training or teaching, by a licensed chiropractic, medical or osteopathic physician, or chiropractic therapy assistant supervisor who monitors the performance of an intern. The supervisor provides regular documented face-to-face guidance and instruction with respect to the skills and competencies of the person supervised.
- (19) Use of a title of description - To hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards, or other means of professional identification.
- (20) Written evidence - Includes, but is not limited to written verification from supervisors or other professional colleagues familiar with the applicant's work.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed September 27, 2002; effective December 11, 2002. Amendment filed January 31, 2003; effective April 16, 2003.

0260-5-.02 SCOPE OF PRACTICE. Any person who possesses a valid unsuspended and unrevoked certificate issued by the Board has the right to use the title certified chiropractic therapy assistant. No other person shall assume this title on any work, letter, sign, figure, advertisement, or device to indicate that the person using the same is a certified chiropractic therapy assistant. The work performed includes offering physical agent modalities and rehabilitation advice and services to the public, specifically and only on orders from a duly licensed physician.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-108, 63-4-101, 63-4-102, 63-4-106, 63-4-107, 63-4-122, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001.

0260-5-.03 NECESSITY OF CERTIFICATION.

- (1) Except as provided in paragraphs (2) and (3), prior to engaging in practice as a chiropractic therapy assistant in Tennessee, a person must hold a current Tennessee certification.
- (2) Students engaged in clinical internship are exempt from the certification requirements.
- (3) Graduates of a Board approved chiropractic therapy assistant course who have completed their clinical internship and are awaiting examination are exempt from the certification requirements, but only for a period not to exceed six (6) months from the date that the course and training were completed. After sitting for the examination this exemption shall continue for a period not to exceed seventy-five (75)

(Rule 0260-5-.03, continued)

days. At all times while awaiting examination or examination results and until certification is received, graduates shall practice only under supervision as set forth in rule 0260-5-.10.

- (4) It is unlawful for any person who is not certified in the manner prescribed in T.C.A. § 63-4-123 and these rules to present himself/herself as a certified chiropractic therapy assistant or to hold himself/herself out to the public as being certified by means of using a title on signs, mailboxes, address plates, stationery, announcements, telephone listings, business cards, or other instruments of professional identification.
- (5) A chiropractic therapy assistant is one who serves the public only on the orders of a licensed physician, and as such the practice is restricted to those persons properly credentialed. Persons engaging in practice as a chiropractic therapy assistant without being credentialed by the board are in violation of T.C.A. § 63-4-123.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-123, 63-4-101, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed January 31, 2003; effective April 16, 2003.

0260-5-.04 QUALIFICATIONS FOR CERTIFICATION.

- (1) To become certified as a chiropractic therapy assistant in Tennessee, a person must comply with the following procedures and requirements prior to submitting an application:
 - (a) Be at least eighteen (18) years of age.
 - (b) Be of good moral character.
 - (c) Be a high school graduate or equivalent.
 - (d) Complete prior to the date of examination a minimum combined total of fifty (50) hours of instruction approved by any board member or board designee, subject to full board approval, and which shall include but not be limited to such subject material as anatomy, physiology, patient protection, safety, emergency procedures, professional boundaries training, chiropractic therapy, and rehabilitation techniques.
 - (e) Provide proof of twelve hundred (1,200) hours of clinical internship under direct supervision. The supervisor is required to provide the Board of Chiropractic Examiners a report concerning the certificate holder's performance in each area of internship on forms provided by the board to become certified as a chiropractic therapy assistant.
 - (f) Pass to the satisfaction of the board an examination conducted to determine fitness for practice as a chiropractic therapy assistant pursuant to rule 0260-5-.08.
- (2) To become certified as a chiropractic therapy assistant in Tennessee by Criteria (Reciprocity/Endorsement), a person must comply with the following procedures and requirements prior to submitting an application:
 - (a) Be at least 18 years of age.
 - (b) Be of good moral character.
 - (c) Be a high school graduate or equivalent.

(Rule 0260-5-.04, continued)

- (d) An applicant requesting certification by criteria (reciprocity/endorsement) must be duly licensed or certified as a chiropractic therapy assistant in another state, or hold certification with minimum equivalent training as determined by the Board. A designee of the Board will approve all endorsement applications to ensure minimum equivalency.
 - (e) A letter of good standing must be provided from the state or board in which certification is held along with licensure criteria and educational training to ensure minimum equivalency.
- (3) Application review and certification decisions shall be governed by rule 0260-5-.07.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed January 31, 2003; effective April 16, 2003.

0260-5-.05 PROCEDURES FOR CERTIFICATION. To become certified as a chiropractic therapy assistant in Tennessee, a person must comply with the following procedures and requirements.

- (1) Certification
- (a) An application packet shall be requested from the board's administrative office.
 - (b) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all documentation and fees required by the form and these rules to the board's administrative office.
 - (c) Applications will be accepted throughout the year. Supporting documents requested in these instructions must be received in the board office within 60 days of receipt of the application or the file will be closed.
 - (d) An applicant shall submit with his/her application a signed passport type photograph taken within the preceding 12 months. (The photo is to be signed by the applicant on the back of the photograph.)
 - (e) It is the applicant's responsibility to provide evidence that he/she has completed the requirements of rule 0260-5-.04 (1).
 - (f) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violation.
 - 2. The denial of certification application by any state or the discipline of a health care certificate in any state.
 - 3. Loss or restriction of certification.
 - 4. Any civil judgement or civil suit settlement in which the applicant was a party defendant, including without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under the country's or state's statutory, common or case law.
- (2) Certification by reciprocity/endorsement
- (a) If an applicant holds or has ever held a chiropractic therapy assistant's certificate in another state or its equivalent, the applicant shall cause to be submitted the equivalent of a Tennessee

(Rule 0260-5-.05, continued)

Certificate of Endorsement (verification of certification) from each such licensing board which indicates the applicant holds or held an active certificate and whether it is in good standing presently or was at the time it became inactive.

- (b) If a certificate from another state or board is not in good standing or is inactive, the applicant cannot be certified under the reciprocity/endorsement rule.
- (c) When necessary, all required documents shall be translated into English and such translation and original document certified as to authenticity by the issuing source. Both versions must be submitted.
- (d) Personal resumes are not acceptable and will not be reviewed.
- (e) Application review and certification decisions shall be governed by rule 0260-5-.07.
- (f) Applicants for reciprocity/endorsement carry the burden of proof by a preponderance of the evidence that his/her course work, supervision, and experience are equivalent to the board's requirements.
- (g) An application packet shall be requested from the board's administrative office.
- (h) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all documentation and fees required by the form and these rules to the board's administrative office.
- (i) Applications will be accepted throughout the year. Supporting documents requested in these instructions must be received in the board office within 60 days of receipt of the application or the file will be closed.
- (j) An applicant shall submit with his/her application a signed passport type photograph taken within the preceding 12 months. (The photo is to be signed by the applicant on the back of the photograph.)
- (k) It is the applicant's responsibility to provide evidence that he/she has completed a minimum combined total of fifty (50) hours of education approved by the board.
- (l) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violation.
 - 2. The denial of certification application by any state or the discipline of a health care certificate in any state.
 - 3. Loss or restriction of certification.
 - 4. Any civil judgement or civil suit settlement in which the applicant was a party defendant, including without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under the country's or state's statutory, common or case law.
- (3) Certification by grandfathering
 - (a) An application packet shall be requested from the board's administrative office.

(Rule 0260-5-.05, continued)

- (b) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all documentation and fees required by the form and these rules to the board's administrative office.
- (c) Applications will be accepted throughout the year. Supporting documents requested in these instructions must be received in the board office within 60 days of receipt of the application or the file will be closed.
- (d) An applicant shall submit with his/her application a signed passport type photograph taken within the preceding 12 months. (The photo is to be signed by the applicant on the back of the photograph.)
- (e) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violation.
 - 2. The denial of certification application by any state or the discipline of a health care certificate in any state.
 - 3. Loss or restriction of certification.
 - 4. Any civil judgement or civil suit settlement in which the applicant was a party defendant, including without limitation, actions involving malpractice, breach of contract, antitrust activity, or any other civil action remedy recognized under the country's or state's statutory, common or case law.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-4-106, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed January 31, 2003; effective April 16, 2003.

0260-5-.06 FEES.

- (1) The fees are as follows:
 - (a) Application fee - A non-refundable fee to be paid by all applicants for initial certification. It must be paid each time an application for initial certification is filed.
 - (b) Certification fee-A non-refundable fee to be paid prior to the issuance of the "artistically designed" certificate.
 - (c) Late Renewal fee-A non-refundable fee to be paid when an individual fails to timely renew a certificate.
 - (d) Renewal fee-A non-refundable fee to be paid by all certificate holders. This fee also applies to individuals who reactivate a retired or lapsed certificate.
 - (e) Reciprocity/Endorsement fee-A non-refundable fee to be paid at the time of application in addition to the application fee for those seeking certification by criteria.
 - (f) Replacement certificate fee-A non-refundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" certificate.
 - (g) State Regulatory fee-To be paid by all individuals at the time of application and with all renewal applications.

(Rule 0260-5-.06, continued)

- (2) All fees shall be established by the board. Fees may be reviewed and changed at the discretion of the board.
- (3) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Board of Chiropractic Examiners.
- (4)

Fee Schedule	Amount
Application	\$ 100.00
Late Fee	\$ 100.00
Certificate Fee (initial)	\$ 200.00
Renewal	\$ 125.00
Reciprocity	\$ 150.00
Replacement Certificate	\$ 75.00
State Regulatory (biennial)	\$ 10.00

Authority: T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-1-106, 63-1-107, 63-1-108, 63-1-112, 63-4-103, 63-4-105, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed March 18, 2003; effective June 1, 2003.

0260-5-.07 APPLICATION REVIEW, APPROVAL, DENIAL, INTERVIEWS.

- (1) An application packet shall be requested from the board's administrative office.
- (2) Review of all applications to determine whether or not the application file is complete may be delegated to the board's Unit Director or designee.
- (3) If an application is incomplete when received in the board's administrative office, a deficiency letter will be sent to the applicant notifying him/her of the deficiency.
 - (a) The requested information must be received in the board's administrative office on or before the 30th day after the applicant's receipt of the notification.
 - (b) If the requested information is not received within the thirty (30) day period, the application file shall be closed and a new application must be submitted pursuant to the rules governing the application process, including another payment of all fees.
- (4) An individual who has a complete application (application, fees, and all supporting documents) on file in the board's administrative office will be scheduled to write the examination.
- (5) If a completed application is denied by the board designee and ratified as such by the board, the action shall become final and the following shall occur.
 - (a) A notification of the denial shall be sent by the board's administrative office by certified mail, return receipt requested, specifying reasons for denial such as incomplete information,

(Rule 0260-5-.07, continued)

- unofficial records, examination failure, or other matters judged insufficient for certification and such notification shall contain all the specific statutory or rule authorities for the denial.
- (b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act (T.C.A. §§4-5-301, et seq.) to contest the denial and the procedure necessary to accomplish that action.
 - (c) An applicant has a right to a contested case hearing only if the certification denial is based on subjective or discretionary criteria.
 - (d) An applicant may be granted a contested case hearing if certification denial is based on an objective, clearly defined criteria only if after review and attempted resolution by the board's administrative staff, the certification application cannot be approved and the reasons for continued denial present a genuine issue of fact and/or law which is appropriate for appeal. Such request must be made in writing to the board within 30 days of the receipt of the notice of denial from the board.
- (6) The board at its discretion may delay a decision on eligibility to take the written examination for any applicant for whom the board wishes additional information for the purpose of clarifying information previously submitted. This request is to be in writing and shall be made within ten (10) days following the date of the official review of the application.
 - (7) If the board finds it has erred in the issuance of proficiency certificate or certificate, the board will give a written notice by certified mail of its intent to revoke the license. The notice will allow the applicant the opportunity to meet the requirements of certification within thirty (30) days from the date of receipt of notification. If the applicant does not concur with the stated reason and the intent to revoke the certificate of proficiency or certificate, the applicant shall have the right to proceed according to rule 0260-5-.07(5).
 - (8) Whenever requirements for certification are not completed within thirty (30) days from the date of initial review of application and credentials, written notification will be mailed to the applicant and the application file will be closed. An applicant whose file has been closed shall subsequently be considered for certification only upon the filing of a new application and payment of all appropriate fees.
 - (9) Abandonment of Application
 - (a) An application shall be deemed abandoned and closed if the application has not been completed by the applicant within sixty (60) days after it was initially reviewed.
 - (b) The above action must be ratified by the board or its designee.
 - (c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.
 - (10) If an applicant requests an entrance for certification, and after administrative review, wishes to change that application to a different type of entrance, a new application, with supporting documents and an additional application fee must be submitted, e.g., reciprocity/endorsement to examination.

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-301, 6-3-4-106, 6-3-4-114, and 6-3-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001.

0260-5-.08 EXAMINATION.

- (1) State Board Examination - Applicants for certification will be required to successfully complete a board-approved examination with a minimum score of seventy-five (75).
- (2) Examinations and re-examinations may be performed by a testing center or may be delegated as determined by the board.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed January 31, 2003; effective April 16, 2003.

0260-5-.09 RENEWAL OF CERTIFICATION.

- (1) Renewal Application
 - (a) The due date for a certificate renewal is the expiration date indicated on the initial certificate of registration or renewal certificate.
 - (b) Methods of Renewal
 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org
 2. Paper Renewals - For individuals who have not renewed their certification online via the Internet, a renewal application form will be mailed to each individual certified by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the certificate holder from the responsibility of meeting all requirements for renewal.
 - (c) A certificate issued pursuant to these rules is renewable by the expiration date. To be eligible for renewal an individual must submit to the Division of Health Related Boards on or before the expiration date the following:
 1. A completed and signed renewal application form.
 2. The renewal and state regulatory fees as provided in rule 0260-5-.06.
 - (d) Certificate holders who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their certificates processed pursuant to rule 1200-10-1-.10.
- (2) Reinstatement of an Expired Certificate – Reinstatement of a certificate that has expired may be accomplished upon meeting the following conditions:
 - (a) Payment of all past due renewal fees and state regulatory fees; and
 - (b) Payment of the late renewal fee, pursuant to Rule 0260-5-.06; and
 - (c) Submission of evidence of completion of continuing education requirements pursuant to rule 0260-5-.12.
- (3) Renewal issuance decisions pursuant to this rule may be made administratively, upon review by the board or the board's designee.

(Rule 0260-5-.09, continued)

- (4) Anyone submitting a signed renewal form or letter which is found to be untrue may be subjected to disciplinary action as provided in rule 0260-5-.14.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-4-103, 63-4-106, 63-4-114, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed September 27, 2002; effective December 11, 2002.

0260-5.10 SUPERVISION.

- (1) Individuals who are issued a certificate as a chiropractic therapy assistant must act only on orders by a Tennessee licensed physician.
- (2) Intern supervision is for the purpose of training or teaching, by an approved supervisor who monitors the performance of an individual. The supervisor provides regular documented face-to-face guidance and instructions with respect to the skills and competencies of the person supervised.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-4-101, 63-4-102, 63-4-103, 63-4-106, 63-4-121, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001.

0260-5.11 RETIREMENT AND REACTIVATION OF CERTIFICATE.

- (1) A person who holds a current certificate and does not intend to serve as a “certified chiropractic therapy assistant” may apply to convert an active certificate to retire status. An individual who holds a retired certificate will not be required to pay the renewal fee.
- (2) A person who holds an active certificate may apply for retired status in the following manner:
 - (a) Obtain an affidavit of retirement form, complete, and submit to the board’s administrative office.
 - (b) Submit any documentation, which may be required to the board’s administrative office.
- (3) Certification holders whose certificate has been retired, may reenter active status by doing the following:
 - (a) Submit a written request for certification reactivation to the board’s administrative office.
 - (b) Pay the certification renewal fees and state regulatory fees as provided in rule 0260-5-.06. If retirement reactivation is requested prior to the expiration of one year from the date of retirement, the board will require payment of the late renewal fee and past due certification renewal fees.
- (4) Certification reactivation applications shall be treated as certification applications and review decisions shall be governed by rule 0260-5-.07.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed January 31, 2003; effective April 16, 2003.

0260-5-.12 CONTINUING EDUCATION.

- (1) Basic requirements-The Board of Chiropractic Examiners requires each certificate holder registered with the board to complete six (6) clock hours of continuing education each calendar year.
- (2) New certification requirements
 - (a) New chiropractic therapy assistant certification - Submitting proof of successful completion of all education and examination requirements necessary for certification in Tennessee, pursuant to paragraphs 0260-5-.04 (1) and 0260-5-.08 (1), shall be considered proof of sufficient preparatory education and training to constitute continuing education credit for the calendar year in which the applicant is approved for certification.
 - (b) New certification by criteria (reciprocity/endorsement) - Submitting proof of successful completion of all requirements necessary for certification in Tennessee, pursuant to paragraph 0260-5-.04 (2), shall be considered proof of sufficient preparatory education and training to constitute continuing education credit for the calendar year in which education and training requirements for certification in another state were completed.
- (3) Acceptable Continuing Education-To be acceptable continuing education, the course shall be approved by the Board of Chiropractic Examiners. The board shall explore and approve appropriate classroom and structured distance learning opportunities.
- (4) Documentation
 - (a) Each candidate holder must retain proof of attendance and completion of all continuing education requirements. This documentation must be retained for a period of four (4) years from the end of the calendar year in which the continuing education was acquired. This documentation must be produced for inspection and verification, if requested in writing by the board during its verification process.
 - (b) The individual must, within thirty (30) days of a request from the board, provide evidence of continuing education activities. Such evidence must be by submission of one or more of the following:
 1. Certification of the certificate holder's attendance at continuing education program(s). The certificate must include the following:

Continuing education program's sponsor, date, clock hours, awarded continuing education units (CE units must be converted to clock hours), program title, certificate holder's name, certificate number and social security number.
 2. An original letter on official stationery from the continuing education program's sponsor, date, clock hours awarded (CE units must be converted to clock hours), program title, certificate holder's name, certificate number and social security number.
 - (c) If a person submits documentation for training that is not clearly identifiable as appropriate continuing education, the board will request a written description of the training and how it applies to the practice of chiropractic therapy assistant. If the board determines that the training can not be considered appropriate continuing education, the individual will be given ninety (90) days to replace the hours not allowed. Those hours will be considered replacement hours and cannot be counted during the next renewal period.
- (5) Continuing education credit will not be allowed for the following:
 - (a) Regular work activities, administrative staff meetings, case staffing/reporting, etc.

(Rule 0260-5-.12, continued)

- (b) Membership in, holding office in, or participation on boards of committees, business meetings of professional organizations, or banquet speeches.
 - (c) Training specifically related to policies and procedures of an agency.
 - (d) Education content that is for practice building, practice management, patient acquisition or reimbursement related. Education should focus on clinical and/or scientific content, with an emphasis on patient diagnosis, treatment, protection, basic science, research developments, chiropractic therapy procedures, or rehabilitation techniques.
- (6) Continuing Education for Reactivation or Reinstatement of Retired, Revoked, or Expired Certificate.
 - (a) Reactivation of Retired Certification
 - 1. An individual whose certificate has been retired for one (1) year or less will be required to fulfill continuing education requirements as outlined in this rule as a prerequisite to reactivation. Those hours will be considered replacement hours and cannot be counted toward meeting the calendar year end requirement.
 - 2. Any individual requesting reactivation of a certificate which has been retired for more than one year must submit, along with the reactivation request, verification which indicates the attendance and completion of six (6) hours of continuing education for each year the certificate was retired. The continuing education hours must have begun and been successfully completed prior to the date of reactivation.
 - (b) Reactivation of Revoked Certification - No person whose certification has been revoked for failure to comply with continuing education may be reactivated without complying with these requirements. Continuing education requirements will accumulate at the same rate as that for those certificates which are active. The required clock hours of continuing education must have been begun and successfully completed before the date of reactivation.
 - (c) Reactivation or Reinstatement of Expired Certification - No person whose certificate has expired may be reactivated or reinstated without submitting evidence of continuing education. The continuing education hours documented at the time of reactivation or reinstatement must equal the hours required, had the certificate remained in an active status, and must have been begun and successfully completed before the date of reactivation or reinstatement.
 - (d) Continuing education hours obtained as a prerequisite for reactivating or reinstating a certificate may not be counted toward the calendar year requirement.
- (7) Violations
 - (a) Any certificate holder who falsely certifies attendance and completion of the required hours of continuing education requirements, or who does not or can not adequately substantiate completed continuing education hours with the required documentation, may be subject to disciplinary action.
 - (b) Prior to the institution of any disciplinary proceedings, a letter shall be issued to the last known address of the individual stating the facts or conduct which warrant the intended action.
 - (c) The certificate holder has thirty (30) days from the date of notification to show compliance with all lawful requirements for the retention of the certificate.

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- (d) Any certificate holder who fails to show compliance with the required continuing education hours in response to the notice contemplated by subparagraph (7) (b) above may be subject to disciplinary action.
 - (e) Continuing education hours obtained as a result of compliance with the terms of a Board Order in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any renewal period.
- (8) Waiver of Continuing Education
- (a) The board may grant a waiver of the need to attend and complete the required hours of continuing education if it can be shown to the board that compliance is or was beyond the physical capabilities of the person seeking the waiver.
 - (b) Waivers will be considered only on an individual basis and may be requested by submitting the following items to the board's administrative office.
 - 1. A written request for a waiver which specifies the requirement which is sought to be waived, and a written and signed explanation of the reason for the request.
 - 2. Any documentation which supports the reason for waiver requested or which is subsequently requested by the board.
 - (c) A waiver approved by the board is effective only for the calendar year for which the waiver is sought.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-4-106, 63-4-114, 63-4-115, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001. Amendment filed September 13, 2002; effective November 27, 2002. Amendment filed September 27, 2002; effective December 11, 2002. Amendment filed January 31, 2003; effective April 16, 2003.

0260-5-.13 PROFESSIONAL ETHICS. Immoral, unprofessional, unethical, or dishonorable conduct shall include, but not be limited to, the following:

- (1) Conduct designed to, or likely to deceive, or harm the public.
- (2) Being a party to or aiding and abetting the violation of these regulations or the laws of the State of Tennessee regulating the practice of chiropractic therapy assistants.
- (3) Conduct interpreted to be sexual contact or physically inappropriate in a clinical setting, or inappropriate touching of the genitalia, anus, or breast.
- (4) The intentional or negligent use of any false, fraudulent, or forged statement, writing or document, or the use of any fraudulent, deceitful, dishonest, or immoral practice in connections with any of the certification requirements of T.C.A. § 63-4-123.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-4-101, 63-4-106, 63-4-114, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001.

0260-5-.14 DISCIPLINARY ACTIONS AND CIVIL PENALTIES.

- (1) Upon a finding by the board that a chiropractic therapy assistant has violated any provision of the T.C.A. § 63-4-123 or the rules promulgated thereto, the board may impose any of the following actions separately or in any combination deemed appropriate to the offense.
 - (a) **Advisory Censure**-This is a written action issued to the chiropractic therapy assistant for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
 - (b) **Formal censure or reprimand**-This is a written action issued to a chiropractic therapy assistant for one time and less severe violations. It is a formal disciplinary action.
 - (c) **Probation**-This is a formal disciplinary action which places a chiropractic therapy assistant on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restricts the individual's activities during the probationary period.
 - (d) **Certification Suspension**-This is a formal disciplinary action which suspends an individual's right to work under certification for a fixed period of time. It contemplates the reentry of the individual into the certification previously issued.
 - (e) **Certification Revocation**-This is the most severe form of disciplinary action which removes an individual from working under certification by terminating the certification previously issued. If revoked, it relegates the violator to the status he possessed prior to application for certification. However, the board may in its discretion allow the reinstatement of a revoked certificate upon conditions and after a period of time which it deems appropriate. No petition for reinstatement and no new application for certification from a person whose certification was revoked shall be considered prior to the expiration of at least one (1) year from the date of certificate revocation unless otherwise stated in the board's revocation order.
 - (f) **Conditions**-These include any action deemed appropriate by the board to be required of an individual disciplined during any period of probation or suspension or as a prerequisite to the lifting of probation or suspension or the reinstatement of a revoked certificate.
 - (g) **Civil Penalty**-A monetary disciplinary action assessed by the board pursuant to paragraph (2) of this rule.
- (2) **Civil Penalties**
 - (a) **Purpose** - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to Public Chapter 389, Acts of 1989.
 - (b) **Schedule of Civil Penalties**
 1. A Type A civil penalty may be imposed whenever the board finds the person who is required to be certified by the board is guilty of a willful and knowing violation of the Chiropractic Examiners Practice Act, or regulations promulgated pursuant thereto, to such an extent that there is, or is likely to be an imminent substantial threat to the health, safety and welfare of an individual client or the public. For the purposes of this section, a Type A penalty shall include, but not be limited to, a person who willfully and knowingly is or was practicing as a chiropractic therapy assistant without the required certification from the board.
 2. A Type B civil penalty may be imposed whenever the board finds the person required to be certified by the board is guilty of a violation of the Chiropractic Examiners Practice

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Act or regulations promulgated pursuant thereto in such a manner as to impact directly on the care of clients or the public.

3. A Type C civil penalty may be imposed whenever the board finds the person required to be certified by the board is guilty of a violation of the Chiropractic Examiners Practice Act or regulations promulgated pursuant thereto, which are neither directly detrimental to the clients or public, nor directly impact their care, but have only an indirect relationship to client care or the public.

(c) Amount of Civil penalties

1. Type A civil penalties shall be assessed in the amount of not less than \$500 and not more than \$1,000.
2. Type B civil penalties may be assessed in the amount of not less than \$100 and not more than \$500.
3. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.

(d) Procedures for Assessing Civil Penalties

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
2. Civil Penalties may also be initiated and assessed by the board during consideration of any Notice of Charges. In addition, the board may, upon good cause shown, assess type and amount of civil penalty which was not recommended by the Division.
3. In assessing the civil penalties pursuant to these rules the board may consider the following factors:
 - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (ii) The circumstances leading to the violation;
 - (iii) The severity of the violation and the risk of harm to the public;
 - (iv) The economic benefit gained by the violator as a result of non-compliance; and,
 - (v) The interest of the public.
4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5.

Authority: T.C.A. §§4-5-101, 4-5-202, 4-5-204, 63-1-132, 63-1-134, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001.

0260-5-.15 CERTIFICATE.

- (1) Display of Certificate - Every person certified by the board in this state shall display his/her certificate in a conspicuous place in the office or clinic and, whenever required, exhibit such certificate to the board or its authorized representative.
- (2) Replacement Certificate - A certificate holder whose "artistically designed" certificate has been lost or destroyed may be issued a replacement document upon receipt of a written request in the board administrative office. Such request shall be accompanied by an affidavit (signed and notarized) stating the facts concerning the loss or destruction of the original document and the required fee pursuant to rule 0260-5-.06.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, 63-1-109, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001.

0260-5-.16 CHANGE OF ADDRESS AND/OR NAME.

- (1) Change of Address - Each person holding a certification who has had a change of home address, shall file in writing with the board his/her current address, giving both old and new addresses. Such request shall be received in the board's administrative office no later than thirty (30) days after such change is effective and must reference the individual's name, profession, and certificate number.
- (2) Change of Business Address - Each person holding certification who has had a change of employment or clinic affiliation shall file in writing with the board his/her current address, giving both old and new addresses. Such notices shall be received in the board's administrative office no later than thirty (30) days after such change is effective and must reference the individual's name, profession, and certificate number and the name and license number of the new employer.
- (3) Change of Name - An individual registered with the board shall notify the board in writing within thirty (30) days of the name change and will provide both the old and new names. A request for name change must also reference the individual's profession, board, and certificate number.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-106, 63-4-106, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001.

0260-5-.17 ADVERTISING. Fraudulent, misleading, or deceptive advertising is prohibited.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-116, 63-4-106, 63-4-122, and 63-4-123. **Administrative History:** Original rule filed February 9, 2000; 60-day stay filed February 24, 2000; effective June 23, 2000. Repeal and new rule filed November 15, 2000; effective January 30, 2001.